

House Bill 1239

By: Representatives Levitas of the 82<sup>nd</sup>, Hatfield of the 177<sup>th</sup>, Collins of the 27<sup>th</sup>, Lindsey of the 54<sup>th</sup>, Abrams of the 84<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions for motor vehicles and traffic, so as to provide prosecutorial discretion to pursue certain violations of the title as a civil penalty such that the only punishment the defendant could receive would be the applicable fine for such violation; to provide for a short title; to provide for procedure; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

This Act shall be known and may be cited as the "State Court Jury Trial and Public Defender Cost Reduction Act of 2008."

**SECTION 2.**

Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions for motor vehicles and traffic, is amended by adding a new Code section to read as follows:

"40-1-8.

(a) Upon written notice served upon the defendant at or prior to arraignment for an alleged violation of this title, a prosecuting attorney may elect to restrict punishment to the imposition of a civil penalty by a civil fine in such amount as is provided by the applicable punishment for the applicable Code section which the defendant is alleged to have violated.

(b) In the event that notice is given as provided in subsection (a) of this Code section, the defendant shall not be subject to any term of incarceration, confinement, probation, home arrest, or suspended sentence as part of any sentence of the court; provided, however, that the court shall have continued jurisdiction over the case and over the defendant and may punish the defendant for contempt in a separate proceeding in the event that the defendant does not pay the full amount of any fine imposed.

1 (c) The imposition of a civil penalty pursuant to this Code section shall constitute a  
2 conviction of violating the applicable Code section.

3 (d) The provisions of this Code section shall apply to any violation of subsection (a) of  
4 Code Section 40-3-32, subsection (a) or (b) of Code Section 40-6-10, and the following  
5 Code Sections: 40-1-4, 40-2-8, 40-2-20, 40-2-41, 40-2-74, 40-2-114, 40-5-72, 40-5-179,  
6 40-6-11, 40-6-14, 40-6-54, 40-6-76, 40-6-95, 40-6-180, 40-6-181, 40-6-184, 40-6-186,  
7 40-6-240, 40-6-251, 40-6-252, 40-6-254, 40-6-275, 40-6-276, 40-7-4, 40-8-4, 40-8-7,  
8 40-8-10, 40-8-71, 40-8-73.1, 40-8-130, and 40-13-63."

9 **SECTION 3.**

10 All laws and parts of laws in conflict with this Act are repealed.